

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

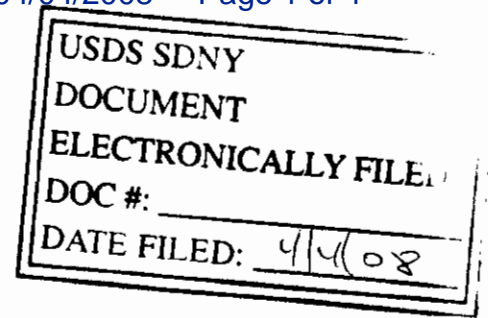
RICHARD ELLO,

Plaintiff,

-v-

ISHRI SINGH, *et al.*,

Defendants.



No. 05 Civ. 9625 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of two letters, both dated March 31, 2008, from counsel for defendants. The Court is also in receipt of a letter dated April 2, 2008 from Ruth M. Pollack, Esq., counsel for plaintiff. Ms. Pollack is again reminded that letters are not to be filed via ECF, but instead sent directly to Chambers.

Ms. Pollack's request for an additional 10 business days to respond to the Court's March 14, 2008 order is denied. Ms. Pollack's assertion that she did not receive an ECF notification email pertaining to this order is belied by the attached ECF receipt, which indicates that the ECF notification was sent to the email address listed on the docket sheet, as well as on Ms. Pollack's letterhead. Moreover, even if Ms. Pollack did not receive the order, "it remains the duty of the attorney for the party to review regularly the docket sheet of the case." (United States District Court, Southern District of New York Procedures for Electronic Case Filing (available at: [http://www1.nysd.uscourts.gov/ecf/procedures\\_ecf.pdf](http://www1.nysd.uscourts.gov/ecf/procedures_ecf.pdf)) at Item 9.) The Court has previously explicitly reminded Ms. Pollack of this duty. (See January 7, 2008 Order (Document # 90).)

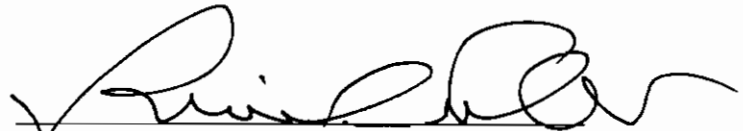
Plaintiff is directed to respond to the two letters from defendants in a single letter, no more than 5 pages in length, by April 14, 2008. If plaintiff does not wish to proceed on the First Amended Complaint (Document # 33), or if plaintiff believes that the claims contained in the

First Amended Complaint are not viable, he should so indicate in the letter. Additionally, Plaintiff is hereby put on notice that future failure to comply with court orders may result in dismissal of this case pursuant to Rule 41 of the Federal Rules of Civil Procedure.

Defendants' request for an extension of time in which to answer or otherwise respond to the First Amended Complaint is granted. The Court will set a new schedule upon resolution of the issues raised in defendants' letters.

SO ORDERED.

Dated: April 4, 2008  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

MIME-Version:1.0

From:NYSD\_ECF\_Pool@nysd.uscourts.gov

To:deadmail

Bcc:jclyne@cm-p.com, Ruth@ruthmpollackesq.com, dagrossman@proskauer.com,  
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Message-Id:<4375009@nysd.uscourts.gov>

Subject:Activity in Case 1:05-cv-09625-RJS Ello v. Singh et al Order

Content-Type: text/html

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## U.S. District Court

### United States District Court for the Southern District of New York

#### Notice of Electronic Filing

The following transaction was entered on 3/14/2008 at 3:52 PM EDT and filed on 3/14/2008

**Case Name:** Ello v. Singh et al

**Case Number:** 1:05-cv-9625

**Filer:**

**Document Number:** 94

#### Docket Text:

**ORDER:** Plaintiff shall not be permitted to amend his complaint further nor move for reconsideration of Judge Kara's opinion. Union defendants request to file a motion to dismiss is denied. Defendants shall have until April 4, 2008 to respond to the First Amended Complaint. (Signed by Judge Richard J. Sullivan on 3/13/2008) (jpo)

**1:05-cv-9625 Notice has been electronically mailed to:**

Joseph Francis Clyne, Sr jclyne@cm-p.com

Ruth Marie Pollack Ruth@ruthmpollackesq.com

Deidre Ann Grossman dagrossman@proskauer.com, LSOSDNY@PROSKAUER.COM

Samuel Rosenthal srosenthal@cm-p.com, jclyne@cm-p.com

Kathleen M. McKenna kmckenna@proskauer.com, LSOSDNY@proskauer.com

**1:05-cv-9625 Notice has been delivered by other means to:**

Michael Bearse  
Laborers' International Union of North America  
905 16th Street, NW  
Washington, DC 20006

Wendy B. Brouwer  
276 1st Avenue  
Apt. 11C  
New York, NY 10009-1860

Terrance Reed  
Lankford Coffield & Reed, PLLC  
120 North St. Asaph Street  
Alexandria, VA 22314

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

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